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January 5, 2006

VIA: Hand Delivery

Charles L.A. Terreni, Esquire
Chief Clerk and Administrator
Public Service Commission of South Carolina,
101 Executive Center Dr., Suite 100
Columbia, SC 29210

RECEIVED
2006 JAN -5 PM 2:17
SC PUBLIC SERVICE
COMMISSION

RE: **Docket 2005-230-E, Joint Petition for Notice/Approval of Agreement and Reassignment of Services Areas by Duke Power, a division of Duke Energy Corporation ("Duke") and York Electric Cooperative, Incorporated ("York Cooperative")-Submission of Consent Order and Request that this Matter be Placed on the Docket for a Decision.**

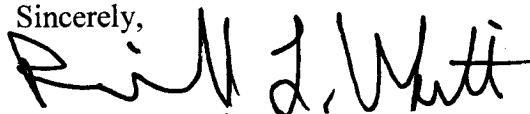
Dear Mr. Terreni,

Representatives of the parties in this Docket, Duke, York Cooperative, and the South Carolina Office of Regulatory Staff, ("ORS") have held discussions in this matter. As a result of those discussions we, as counsel for Duke, hereby submit on behalf of all parties of record, a Consent Order for the Public Service Commission's of South Carolina ("Commission") review and approval.

Accordingly, we respectfully request that the Commission inquire into this matter, place this matter on the Commission agenda, and approve the submitted Consent Order. If you have any questions or concerns please do not hesitate to contact the undersigned.

With kind regards, we are

Sincerely,



William F. Austin
Richard L. Whitt

RLW/dss

Cc: C. Lessie Hammonds, Esquire
James Thorne, Esquire

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-230-E - ORDER NO. 2006-_____
January__, 2006

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COMMISSION

IN RE:	Joint Petition for Notice/Approval of Agreement and Reassignment of Service Areas by Duke Power, a Division of Duke Energy Corporation ("Duke") and York Electric Cooperative, Incorporated ("York Cooperative")))))))	CONSENT ORDER (§58-27-650)
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This matter comes before the Public Service Commission of South Carolina ("Commission") on the Joint Petition of Duke Power and York Cooperative. The Joint Petition requested that (i) this Commission accept the notice as set forth in the Joint Petition and issue an Order accepting the notice and thereby give informal approval of the customer trade and territory exchange outlined in the Joint Petition or (ii) in the alternative, give formal approval of the actions outlined in the Agreement, if deemed necessary by this Commission. We are informed that, after the filing of the Joint Petition, representatives of Duke and York Cooperative conferred with representatives of the South Carolina Office of Regulatory Staff ("ORS") and reached an agreement for a Consent Order which follows.

The Joint Petition stated that Duke Power and York Cooperative entered into an Agreement on April 15, 2005, to trade their rights and obligations to provide electric service to certain customers in certain areas, only as outlined therein. (hereinafter, "the Agreement")

The Joint Petition, *inter alia*, requested this Commission to review the Agreement, pursuant to §58-27-650, S.C. Code Ann. (1976, as amended). The Joint Petition asked this Commission, based on the agreement of the affected electric suppliers, and the affected electric consumers, to inquire into this matter and issue an Order giving

formal approval to the actions outlined in the Agreement, if deemed necessary by this Commission.

In reviewing the Joint Petition, we find that the two affected electric consumers (Pulte Homes and Paul R. Steadman) have agreed to the proposed electric service outlined in the Agreement and their written approvals were attached thereto, as Exhibits “F” and “G”, respectively.

ORS’ counsel indicates that ORS (i) has reviewed this filing; (ii) does not object to the relief sought in the Joint Petition; (iii) and indicates its approval by its participation in the submission of this Consent Order to this Commission.

Based on applicable law, our review of the pleadings in this matter, the agreement of the affected electric suppliers, the written approval of the affected electric customers, and the submission of the Consent Order, we find and conclude that formal approval pursuant to §58-27-650, S.C. Code Ann. (1976, as amended), is appropriate. Specifically, §58-27-650, S.C. Code Ann. (1976, as amended), reads in pertinent part, “The Public Service Commission, upon agreement of the affected electric suppliers, is authorized to reassign to one electric supplier any area or portion of the area assigned to another...”. The trade of customers and the exchange of rights and obligations to provide electric service to certain customers in certain areas, only as outlined in the Agreement between Duke and York Cooperative as set forth in the Joint Petition, and as illustrated in the Exhibits thereto, may be and hereby is, approved.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

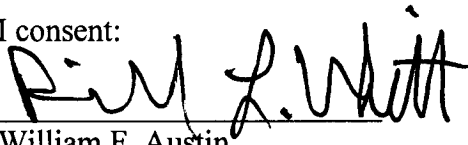
Randy Mitchell, Chairman

ATTEST:

G. O’Neal Hamilton, Vice Chairman
(Seal)

I consent:

I consent:



William F. Austin

Richard L. Whitt

Representing,

DUKE POWER, a division of

DUKE ENERGY CORPORATION

I consent:



James L. Thorne

Representing,

York Electric Cooperative, INC.

I consent:



C. Lessie Hammonds

Representing,

South Carolina Office of Regulatory Staff

ORS (i) has reviewed this filing; (ii) does not object to the relief sought in the Joint Petition; (iii) indicates its approval by its participation in the submission of this Consent Order to this Commission ~~(iv) and ORS is filing a concurrence letter.~~

